

**CHAPTER 20 PREVENTION OF HAZARDOUS CONDITIONS**

Secs.	
2000	Hazardous Deposits on Public Space
2001	Hazardous Obstructions in Public Space
2002	Hazardous Open Holes in Public Space
2003 - 2004	[Reserved]
2005	Fuel Oil Tanks in Public Space: General Provisions
2006	Fuel Oil Tanks in Public Space: Public Access
2007	Fuel Oil Tanks in Public Space: Filling Pipes
2008 - 2009	[Reserved]
2010	Containers Capable of Confining Children

**2000 HAZARDOUS DEPOSITS ON PUBLIC SPACE**

- 2000.1 For purposes of this section, the term "public space" includes any street, avenue, alley, highway, footway, sidewalk, parking, or other public space in the District of Columbia.
- 2000.2 No person shall deposit, place, or leave in or upon any public space any glass, crockery, nails, tin, iron cuttings, hoops, wagon tires, wire, or any other article or thing liable to wound or injure a person or an animal, or to cause damage to personal property.
- 2000.3 Personal property placed on public space under a permit in accordance with the provisions of chapter 2, and maintained as required by chapter 2, shall be exempt from the provisions of §2000.2.
- 2000.4 No person shall place, leave, or cause to be placed or left on any public space any deposit dangerous to life and limb, without first obtaining a permit from the District.
- 2000.5 No person shall occupy with, place, or leave, or cause to be placed or left on public space, any wet paint or other slippery or sticky substance, or any deposit dangerous to life and limb, without protecting and guarding that public space.
- 2000.6 The protection of public space required under §2000.5 shall include the following:
- (a) Display of red flags or other danger signals during the time of occupancy of the public space; and
  - (b) At night, the display of a red light (or a sufficient number of red lights) in a manner that sufficiently warns the public of the deposit, and that distinctly shows the clear passageway left in the highway, alley, street, or other public space.

2000.7 When the space occupied under §2000.5 extends a distance of five feet (5 ft.) or more, at least one (1) light shall be exhibited at each end of the wet paint or other slippery or sticky substance or deposit. The light shall be hung so that it is clearly visible for a distance of at least one hundred feet (100 ft.) in any direction.

2000.8 Whenever any permit issued by the District for the performance of work in either public or private space also includes permission to occupy public space, that permit shall be in lieu of the permit required by this section.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is An Act approved January 26, 1887, 24 Stat. 368, ch. 49, §1, as amended, D.C. Code §1-315; §412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub.L. No. 93-198, D.C. Code §1-227(a) (1992 Repl. Vol.).

**SOURCE:** Article 3, §§4, 7(b) of the Police Regulations (May 1981).

## **2001 HAZARDOUS OBSTRUCTIONS IN PUBLIC SPACE**

2001.1 For purposes of this section, the term "public space" includes any street, avenue, alley, highway, footway, sidewalk, parking, or other public space in the District of Columbia.

2001.2 No person shall construct, place, leave, or cause to be constructed, placed, or left on any public space any obstruction to travel, without first obtaining a permit from the District.

2001.3 No person, without a permit from the District, shall permit any bush, shrub, or tree to extend from private property onto public space in any manner that interferes with the free use of the public space.

2001.4 No person shall occupy with, place, leave, or cause to be placed or left on public space, any obstruction to travel that is dangerous to life and limb, without protecting and guarding that public space.

2001.5 The protection of public space required under §2001.4 shall include the following:

- (a) Display of red flags or other danger signals during the time of the occupancy of the public space; and
- (b) At night, the display of a red light (or a sufficient number of red lights) in a manner that sufficiently warns the public of the obstruction, and that shows distinctly the clear passageway left in the highway, alley, street, or other public space.

2001.6 When the space occupied under §2001.4 extends a distance of five feet (5 ft.) or more, at least one (1) light shall be exhibited at each end of the obstruction. The light shall be hung so that it is clearly visible for a distance of at least one hundred feet (100 ft.) in any direction.

2001.7 Whenever any permit issued by the District for the performance of work in either public or private space also includes permission to occupy public space, that permit shall be in place of the permit required by this section.



- 2001.8 No proprietor of any automobile or bicycle store, garage, or automobile filling station or service station shall place or leave any hose or pipe on the curb, sidewalk, or parking at any time.
- 2001.9 Nothing in §2001.8 shall be construed as prohibiting the installation of any readily movable fixture authorized under a permit issued in conformity with the provisions of chapter 2.

SOURCE: Article 3, §7(a), Article 4, §12 of the Police Regulations (May 1981).

## **2002 HAZARDOUS OPEN HOLES IN PUBLIC SPACE**

- 2002.1 Each highway, street, sidewalk, or alley opening or cut, open manhole, or open conduit shall be guarded securely; and a red flag or other danger signal, including red lights when necessary at night, shall be displayed close to the opening at all times.
- 2002.2 Each open manhole, coal chute, vault cover, or any open sidewalk or alley space used by or under the control of the owner, tenant, or occupant of property abutting on the opening, shall be guarded securely; and a red flag or other danger signal shall be displayed or employed close to the opening by the owner, tenant, or occupant, at all times.
- 2002.3 Every broken manhole cover, vault, or other cover to an underground sidewalk or alley space, including Hyatt lights, used or under the control of the owner, tenant, or occupant of property abutting on the cover shall be guarded securely to ensure public safety; and a red flag or other danger signal, including red lights at night when necessary, shall be displayed on or close to the defective covering by the owner, tenant, or occupant.
- 2002.4 No grate, door, or other opening in any highway, sidewalk, or alley in the District shall be permitted to remain open any longer than may be reasonably necessary to enable the owner or occupant of abutting property to move or remove goods in the course of his or her trade or business.

SOURCE: Article 3, §7(c), Article 4, §11 of the Police Regulations (May 1981).

## **2003 - 2004 [RESERVED]**

## **2005 FUEL OIL TANKS IN PUBLIC SPACE: GENERAL PROVISIONS**

- 2005.1 Storage tanks for fuel oil may be located in public space when, in the opinion of the Mayor, the installation is justified.

- 2005.2 The placement of fuel oil tanks in public space shall be subject in all cases to conditions of agreement relating to vaults which requires the removal of tank equipment when, in the opinion of the Mayor, the space that is occupied by the tank and equipment is needed for the introduction of water pipes, gas pipes, sewers, conduits, or other pipes or underground construction.
- 2005.3 Unless specifically authorized to the contrary by the Mayor, in sections zoned other than residential, fuel oil tanks of an approved size and location shall be placed in existing or newly constructed vaults in public alleys, sidewalks, or parking space adjoining the property to be served.
- 2005.4 In sections zoned as residential, a fuel oil storage tank may, if necessary, be buried in the ground in a public alley, sidewalk, or parking abutting on the property to be served.
- 2005.5 The top of the fuel oil tank shall be at least four feet (4 ft.) below the surface of the alley, sidewalk, or parking; and the tank shall be placed so that its major axis is horizontal and parallel to the building line of the property to be served.
- 2005.6 The tank shall be placed as close to the building line as practical; but no part of the tank shall lie below a plane passing through the outside, lower edge of the footing of the bearing wall of any building, or projection of the building, and sloping downward and outward from the building at an angle of forty-five degrees (45°) below the horizontal plane passing through the same edge of the footing.
- 2005.7 No part of the tank shall be closer than two and one-half feet (2½ ft.) to the center line of a public alley, nor shall any part of the tank be closer than one foot (1 ft.) to a bearing wall or to any party line extended through the alley, sidewalk, or parking.
- 2005.8 The installation of each tank shall comply in other respects with the terms of any permit issued for the installation, and with applicable regulations covering underground storage tanks.
- 2005.9 The installation of each tank shall be subject to the execution of an agreement relating to fuel oil tanks in public space.

SOURCE: Article 12, §12 of the Police Regulations (May 1981).

## **2006 FUEL OIL TANKS IN PUBLIC SPACE: PUBLIC ACCESS**

- 2006.1 The permit issued under §2005 shall be granted on condition that the District has the right at any time to construct water pipes, gas pipes, sewers, conduits, or other pipes, or any underground construction that the Mayor may deem necessary to install under, over, around, or adjacent to the fuel oil tank
- 2006.2 The permit shall be issued and accepted with the understanding that the occupation of the tank space is permitted merely as an accommodation to the owner of the abutting premises, and that no right, title, or interest of the public is in any way waived or abridged by the issuance of the permit.



- 2006.3 If the street, roadway, or sidewalk is widened, the fuel oil tank shall be changed to correspond with the widened street, roadway, or sidewalk, without expense to the District, as directed by the Mayor.
- 2006.4 The permit shall be granted on the further condition that the owner or owners, their heirs, executors, administrators, or assigns, shall remove entirely the tank and its appurtenances, immediately upon notice from the Mayor that water pipes, gas pipes, sewers, conduits, or other pipe or underground construction are to be installed in the space occupied by the tank. The tank shall be removed from the public space or to a new location to be designed by the Mayor without cost to the District, so as to leave a space clear and sufficient in the judgement of the Mayor for the introduction and maintenance of any underground construction that the Mayor deems is necessary.
- 2006.5 The owner or owners, their heirs, executors, administrators, or assigns shall agree to pay rental to the District in the amount prescribed by law or regulation for vault space.
- 2006.6 In the event of failure to pay the vault space rental, or any part of the rental, the permit shall be voided within thirty (30) days from the date the rental is demanded by the Mayor; and the tank and its appurtenances shall be removed immediately upon an order from the Mayor that they be removed.

SOURCE: Article 12, §13 of the Police Regulations (May 1981).

## **2007 FUEL OIL TANKS IN PUBLIC SPACE: FILLING PIPES**

- 2007.1 Filling pipe for conveying fuel oil to storage tanks in approved locations may be located in an alley adjacent to the tank in or adjacent to a private driveway, or under a sidewalk that terminates in the back of a curb.
- 2007.2 When, in the judgment of the Mayor, it is impractical to extend the pipe line to the curb, the pipe may be terminated at a satisfactory point in back of the sidewalk, under the conditions set forth in §§2007.3 through 2007.9.
- 2007.3 The inlet to the filling pipe shall be in a cast-iron box with a protective cover of an approved pattern.
- 2007.4 The pipe shall be laid and kept flush with the sidewalk or alley surface.
- 2007.5 The owner(s) shall, at their own risk and expense, keep in a safe condition any trench or excavation made by or for them in any street or sidewalk or other public space, until the District repairs or resurfaces the trench or excavation.
- 2007.6 The owner(s) shall comply with the terms and conditions of the permit for the fill pipe.
- 2007.7 The location of an underground pipe line and inlet box is a privilege, and the permit for an underground pipe line and inlet box may be revoked at any time by the Mayor.

- 2007.8 If the permit is revoked, the pipe line and box shall be removed and the surface of the sidewalk or other public space restored by the permittee without any cost to the District.
- 2007.9 The owner(s) (and their heirs, executors, administrators, or assigns) must agree to save harmless, indemnify, and keep indemnified the District from the following:
- (a) Any injury to person or property, and any cost, loss, or damage caused because the owner's failure to keep the underground pipe line and appurtenances in safe condition at all times;
  - (b) Any injury to persons or property, or any cost, loss, or damage caused by the owner's failure to keep the trench or excavation in a safe condition during and after the execution of the work, and until the trench or excavation is repaired or resurfaced by the District; and
  - (c) Any injury, loss, or damage to persons or property occasioned by the use of the underground pipe line and its appurtenances, or by any failure to observe and comply with the terms and conditions of the permit.

SOURCE: Article 12, §14 of the Police Regulations (May 1981).

**2008 - 2009 [RESERVED]**

**2010 CONTAINERS CAPABLE OF CONFINING CHILDREN**

- 2010.1 No person shall leave or cause to be left unattended in any place accessible to any child any unused or discarded refrigerator, ice box, freezer locker, or other box or container that has a capacity of one and one-half cubic feet (1½ ft.) or more, if it is equipped with a lock, latch, or other fastening device that permits the door or lid of the container to be securely fastened.
- 2010.2 The requirements of §2010.1 shall be applicable to owners, lessees, and managers with respect to the premises under their control.
- 2010.3 The provisions of this section shall not apply to containers that have been securely padlocked or otherwise securely fastened in a manner that will prevent the door or lid being opened.
- 2010.4 Any person violating the provisions of this section shall be subject to civil sanctions provided in the Litter Control Administration Act of 1985.
- 2010.5 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article which involve any container that has been left unattended within a residential building or structure or which is not in plain view from public space pursuant to titles I-III of the Department of

Consumer and Regulatory/Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this article which is not in plain view from public space shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

SOURCE: Article 39 of the Police Regulations (May 1981); as amended by §3 of the Litter Control Administration Act of 1985, D.C. Law 6-100, 33 DCR 781 (February 7, 1986); and by §14 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990, D.C. Law 8-237, 38 DCR 314, 322 (January 11, 1991).

